

Before the  
Federal Communications Commission  
Washington, D.C. 20554

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OCT 15 1997

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Amendment of Parts 2.106 and 25.202 )  
of the Commission's Rules to Permit )  
Operation of NGSO FSS Systems )  
Co-Frequency with GSO and Terrestrial )  
Systems in the 10.7-12.7 GHz, )  
12.75-13.25 GHz, 13.75-14.5 GHz, )  
and 17.3-17.8 GHz Bands, and to )  
Establish Technical Rules Governing )  
NGSO FSS Operations in these Bands )

RM No. 9147

**MOTION FOR LEAVE TO FILE SURREPLY**

SkyBridge L.L.C. ("SkyBridge") hereby requests leave to file a "Surreply" in response to the "Reply Comments" filed September 11, 1997, by Diversified Communication Engineering, Inc. ("DCE") in the above-captioned proceeding (the "DCE Reply Comments").<sup>1/</sup>

SkyBridge's July 3, 1997, petition for rulemaking (the "Petition") was placed on Public Notice on July 28, 1997,<sup>2/</sup> and comments and oppositions were filed on August 27, 1997, by 11 parties. DCE chose, for whatever reason, not to file initial comments, but chose instead to file only reply comments, which contain a host of unsubstantiated claims and assertions. The DCE Reply Comments were filed on

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<sup>1/</sup> Given the nature of the notice and comment procedures applicable to a petition for rulemaking such as is involved in the instant case, see e.g., 47 C.F.R. § 1.1204(b), it is not clear that the instant motion is necessary, particularly since SkyBridge has served a copy of its Surreply on all parties to this proceeding. Nonetheless, out of an abundance of caution, SkyBridge is formally moving for leave to file the Surreply.

<sup>2/</sup> See Public Notice, Report No. 2213.

the same day that SkyBridge's own reply comments were filed, and therefore, SkyBridge was unable to address DCE's claims in the normal course of the pleading cycle.

As described in detail in SkyBridge's Surreply, DCE makes a number of rather extraordinary -- and completely unsubstantiated -- claims in its Reply Comments. In order to place all relevant information before the Commission in this proceeding, SkyBridge's Surreply attempts to provide a technical analysis of DCE's claims. The Surreply is directed solely to those issues raised by DCE.

### CONCLUSION

It is manifestly in the public interest that the Commission have a complete record before it in the instant proceeding. Acceptance of SkyBridge's Surreply is consistent with that goal and will not prejudice any party. Therefore, SkyBridge requests that the instant motion be granted.

Respectfully submitted,

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Dated: October 15, 1997

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Leave to File Surreply of SkyBridge L.L.C. were sent this 15th day of October, 1997, via first-class mail, postage prepaid, to the following:

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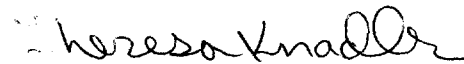
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